



Todd Honyaoma, Sr.
Vice Chairman

February 5, 2007

Attention: Section 1813 ROW Study
Office of Indian Energy and Economic Development
Room 20 - South Interior Building
1951 Constitution Avenue, N.W.
Washington, DC 20245.
IEED@bia.edu

VIA ELECTRONIC MAIL (Hard Copy to Follow Via U.S. Mail)

**RE: COMMENTS TO SECTION 1813 REVISED DRAFT STUDY OF TRIBAL
ENERGY RIGHTS OF WAY**

Dear Sir/Madam:

This letter serves as the Hopi Tribe's comments to the Revised Draft Section 1813 Study of energy rights of way on tribal land conducted pursuant to the Energy Policy Act of 2005 and provided for public comment by the Departments of Energy and Interior on December 21, 2006. The original deadline date for the receipt of comments on the Revised Draft Study was January 31, 2006; however, the Departments extended the deadline to February 5, 2007. These comments are therefore timely submitted.

The Hopi Tribe originally submitted written comments to the scoping and design of the 1813 Study via Sonosky, Chambers, Sachse, & Endreson on January 20, 2006, provided oral comments during the pre-scoping and scoping meetings held in Denver, Colorado in March and April, and provided additional written comments on May 15, 2006, and September 6, 2006. Finally, these comments to the Revised Draft Study are in addition to the oral and written comments given by the Hopi Tribe on those occasions as

well as the oral comments given during individual tribal consultations with the Departments of Energy and Interior on August 30, 2006, in Albuquerque, New Mexico.

The Hopi Tribe is gratified to see that the comments and concerns of the Hopi and so many other tribes were taken seriously by the Departments and are represented in the Revised Draft Study. The Hopi Tribe wholeheartedly supports the Revised Draft Study's recommendation, which provides that, "[n]egotiations between Indian tribes and energy companies for the grant, expansion, or renewal of energy rights-of-way across tribal lands have had no demonstrable effect on energy costs for consumers, energy reliability, or energy supplies to date. Therefore, broad changes to the current federal policy of self-determination and self-governance for tribes - or the existing right of tribal consent - are not warranted at this time." P. 45. As you are aware, it has been the clear position of the Hopi Tribe throughout the process of the drafting of the Section 1813 Study that there is no problem requiring Congressional action, and this position is supported by the Revised Draft Report's conclusions and in the Departments' recommendation. The Draft Report provides no factual, evidentiary, logical, or legal support for any conclusion, proposal, recommendation, or "option" in the final 1813 Study Report that would change a tribe's authority under existing law to consent to rights of way across their lands. Consistent with current law and policy, as well as with the facts found in the Revised Draft Report, such matters should be left to arms length transactions between the tribes and those who seek leave to come onto their lands and use them.

In accordance with that view and in light of the issues raised by the Hopi Tribe in its comments (as reflected in the Revised Draft Report) regarding the delivery of energy on the Hopi Reservation by Arizona Public Service (APS) as well as APS' response thereto, the issues regarding the renewal and compensation for the 500 kV transmission line across the Hopi Reservation (and any other use of the Hopi Reservation by APS) is best continued between the parties. The Hopi Tribe's description of the circumstances regarding that transmission line and the state of affairs relating to the cost and delivery of power on the Hopi Reservation generally were made in order to illuminate the issues the 1813 Study was intended to consider. The Tribe's point being made, any further issues between the parties should be vetted in arms length bargaining.

The Hopi Tribe recognizes and appreciates the efforts and hard work that obviously went into the preparation and completion of the Revised Draft Report and its recommendation.

Sincerely,

/s/ Todd Honyaoma, Sr.
Todd Honyaoma, Sr.
Vice Chairman
The Hopi Tribe

XC: Hopi Tribal Council
Energy Team
Lynelle Hartway
File